|  |  |
| --- | --- |
| Statutory Notice: Return of Allowances | competent authority logo |

# THE GREENHOUSE GAS EMISSIONS TRADING SCHEME ORDER 2020 (SI 2020/1265) (the Order)

# Notice to Return Allowances

**Permit reference:** «${(permitId)!}»

To: «${(account.legalEntityName)!}» **(the Operator),**

whose (Registered) office address is

«${(account.legalEntityLocation)!}»

which relates to the installation(s) at

«${(account.siteName)!}»

«${(account.location)!}»

This notice is issued under article 34V of the Order.

A number of allowances to which you are not entitled have been allocated to your operating holding account in the Registry. You must return these allowances in accordance with the requirements in the Schedule to this notice.

The Schedule sets out the number of allowances which you must return, the reason why you are not entitled to the allowances, the process by which the allowances must be returned and the date by which the allowances must be returned.

|  |  |
| --- | --- |
| Signed | Date |
| signature | «${currentDate?date?string('dd MMMM yyyy'» |

«${signatory.fullName}»

Authorised to sign on behalf of the «${(competentAuthority.name)!}»

**Appealing this notice**

You have a right of appeal against this notice under article 70 of the Order to the First-tier Tribunal. Written notice of the appeal must be submitted to the First-tier Tribunal at the address below no later than 28 calendar days after the service of this notice. The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 sets out the procedural rules relating to these appeals. The Tribunal is part of HM Courts & Tribunal Service and is independent of the Environment Agency.

Hard copy: General Regulatory Chamber, HMCTS, PO Box 9300, Leicester, LE1 8DJ

or email: grc@justice.gov.uk

The Tribunal requests use of its T98 Notice of Appeal form when submitting an appeal. In particular, the notice of appeal must include:

* the name and address of the appellant;
* the name and address of the appellant’s representative (if any);
* an address where documents for the appellant may be sent or delivered;
* the name and address of any respondent;
* details of the decision to which the appeals relates;
* the result the appellant is seeking;
* the grounds on which the appellant relies; and
* a copy of any written record of that decision, and any statement of reasons for that decision that the appellant has or can reasonably obtain.

You may withdraw an appeal by notifying the First-tier Tribunal at the above address.

You may also ask the Environment Agency to make an independent internal review of our decision to issue this notice.  Any request should normally be made within 14 days of receiving this notice by contacting ethelp@environment-agency.gov.uk.  Asking us to review our decision does not suspend the effect of the notice and, in particular, will not affect the time limits within which a statutory appeal must be made.

**SCHEDULE**

**Number of allowances that must be returned:** «${(params.numberOfAllowancesToBeReturned»

**Year of allocation of allowances to which this notice relates**:

**Date allowances must be returned by:**

**Reason you are not entitled to these allowances:** «${(params.returnOfAllowancesReason)!}»

There was an error in the baseline data report submitted with your application for free allocation for the 2021-2025 allocation period.  This meant that the historical activity levels (HAL) of your installation and the final annual number of allowances set out in the allocation table to be allocated in respect of your installation for the 2021-2025 allocation period were incorrect.  As a result of this error, your free allocation has been reduced.  We re-determined your HAL, calculated the reduction, the UK ETS authority approved it and we notified you of the approved amount.

Taking account of the error in the baseline data report, the UK ETS authority has updated the allocation table in the Registry to show the final annual number of allowances to be allocated in respect of the installation for the 2021 scheme year onwards.

Since allowances were allocated to your operating holding account in the Registry before the allocation was reduced, you have received allowances to which you are not entitled.

**Process for returning allowances:**

* You must have at least 1 authorised representative (AR) appointed to your operator holding account in the UK ETS Registry to carry out this process
* Log into the Registry and select the account for which you need to return allowances
* Check the configuration setting under “Transactions”. This will tell you whether the approval of a second Authorised Representative is required to complete the return of allowance
* Navigate to the “Allocation status for UK Allowances” tab
* If you have allowances to return, there will be a “Return allowances” button next to the detail of the allocation
* Click on the “Return Allowances” button and enter the number of allowances you want to return (it will default to the full amount but you can return less if you need to and come back to do the rest)
* If the approval of a second AR is required a transaction approval request will be created for your second AR to approve and your second AR will need to log in to approve it
* The return of allowances will be executed immediately
* As a safeguard you can never return more than the amount you are over-allocated